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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

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April 13, 2011  
JUN 01 2011  
OFFICE OF PETITIONS

## NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6059140

Payment Amount Received: \$ 2,055.00

Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 04/08/2011  
(Mailroom Date Stamp)

PAYMENT STATUS:

Payment will be refunded electronically by EFT.

*Proof 11.5 yr check  
sent & returned*

Your payment was not accepted for the following reason(s):

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on \_\_\_\_\_.  
☐ Information regarding the previous payment is stated in item 8 below.
- ☒ 2. The patent expired on 05/09/2008. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the aboveidentified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☐ 8. Other: \_\_\_\_\_.

### Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the aboveidentified patent begins on \_\_\_\_\_ and ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

### Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

*SK* Kieu Tran (571) 272-6322

Printed Name of USPTO Representative

*Kieu Tran*  
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.



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800/330-4CPI WATS  
www.customcrest.com

May 17, 2011

United States Patent and Trademark Office  
**Attention: Office of Petitions**  
PO Box 1450  
Alexandria, VA 22313-1450

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**JUN 01 2011**

**OFFICE OF PETITIONS**

**Re: 377 Petition -- Patent Number 6,059,140**

Please accept this letter as a petition to revive a patent that you recently informed us has expired. In a phone conversation with April, I was advised to send a letter of explanation & proof that we sent in our last two maintenance payments. We just recently were informed that this patent expired when we made the 11 year patent maintenance fee payment in March of 2011. Apparently, our previous payment made in 2007 was not received by USPTO. As requested, please see below for details surrounding the payments on this patent.

- A check in the amount of \$2,055 was mailed on 3/29/2011 for the 11 year maintenance fee. It was check#90953. The check was mailed to USPTO in Pittsburg, PA. It was returned to us for address change. We forwarded the check to the new address in VA. This payment was received by the USPTO office in a timely manner.
- We received a notice on April 20, 2011 that the payment was not accepted because the patent had expired on 5/9/2008. I immediately called the patent office and discussed the problem with Kieu Tran. In our discussion, she stated that USPTO did not show receiving the payment that we mailed in 2007. At that time, I faxed over all relevant data to Kieu Tran. Upon speaking with her on May 13, 2011, she informed me that I would have to contact the office of petitions.
- The 7 year maintenance fee payment was paid by check in the amount of \$1,180. The check was mailed out on 10/10/2007. It was check #81940. The check was mailed to USPTO, Po Box 371611, Pittsburg, PA 15250. A copy of the stub that I kept in my file is attached.
- We never received a notice that the patent had expired and obviously in fact believed that this patent was still in force. Upon speaking with Kieu Tran, I checked into why we would not have received an expiration notice, and found that the original patent attorneys Kennedy Covington Lobdell & Hickman out of North Carolina were still listed as the contact for this patent. They were the attorneys for our competitor. We were awarded rights to this patent in the settlement of a lawsuit. If a notice was sent to them, they never bothered to re-forward it to us. I verified with all staff involved here on our end, and can assure you that we did not receive any notice of the expiration of this patent. If we had, we would have taken prompt action!

I can assure you that we would never have knowingly let this patent expire. We made payments in 2004, 2007, and this last one in 2011. We did not know that the payment was not received in 2007. Additionally, we did not receive an expiration notice. Had we received a notice of expiration, we would have acted upon it promptly. Upon receiving our 11 year payment back and finding out that the patent had expired, we immediately got to work to find out what happened as well as how to revive the patent promptly.



This item that we have patented is an extremely important product for our business. We are in a highly competitive industry and this product is one of the leaders within our industry. It is imperative that this patent remain in force. We are willing to pay any fees associated with reviving the patent. From what I understand, you will need us to resubmit the 7½yr payment that you did not receive at the current rate of \$1,240, the 11½yr payment of \$2,055 as well as a \$700 surcharge since it has expired. If there are any other fees, just let us know and we will submit all payments promptly!

It is quite clear based on the information supplied above that the patent should be revived due to unavoidable circumstances. The unavoidable circumstances are two fold. First, we made the patent maintenance fee payments in plenty of time in both 2007 and again in 2011. Second, we never received an expiration notice so that we could quickly see why the patent had been slated for expiration. Had we received a notice, we would have researched the 2007 payment much earlier to see that it had not been applied and would have had the opportunity to resubmit another payment immediately if necessary. Included are the separate checks for the 2007 (7½yr) payment of \$1,240, the 2011 (11½yr) payment of \$2,055 that had been refunded to us by USPTO, and a check for the \$700 surcharge fee. Additionally, I will need to know what I need to do to change the correspondence address to ensure that we receive all communication in the future. Please feel free to contact me at (254)899-7169. Your consideration into this matter is greatly appreciated.

Best Regards,  
Rena Ward, Corporate Vice President  
Custom Printing II Ltd  
PO Box 804  
Belton, Texas 76513

605914 UNITED STATES PATENT

Date 05/17/11

Ch # 91289

Iniv date

Invoice #

Invoice amt

Deductions

Discount

Net invoice amt

05/17/11

2007-MAINT 7.5 yr

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Patent # 6059140

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Totals Custom Printing II, Ltd.

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Temple, TX 76503-6101

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Ch # 91289/1119

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One Thousand Two Hundred Forty and 00/100 Dollars

\$ \*\*\*\*\*1,240.00

PAY  
TO THE  
ORDER  
OF

UNITED STATES PATENT  
AND TRADEMARK OFFICE  
PO BOX 979070  
ST LOUIS, MO 63197

*Renee Ward*  
*M. Lencik*

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JUN 01 2011

OFFICE OF PETITIONS

05/24/2011 KTRANS 00000003 6059140

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605914 UNITED STATES PATENT

Date 05/17/11

Ch # 91291

Inv date

Invoice #

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Net invoice amt

05/17/11

5-16-11

Surcharge

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Patent # 6059140

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*Benae Ward*  
*M. Finch*



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605914 UNITED STATES PATENT

Date 05/17/11

Ch # 91290

Inv date

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05/17/11

2011-MAINT 11.5 yr

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Patent # 6059140

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Ch # 912901119

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*Renee Ward*  
*M. Penak*



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VENDOR: 10039  
REMIT TO: UNITED STATES PATENT & TRADEMARK OFFICE

CHECK: 0000081940  
COMMENT:

DATE: 10/10/2007

INVOICE	DATE	VOUCHER	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
6059140	10/10/2007	0000027856	PATENT #6,059,140 - MAINT. FEE	1,180.00	0.00	1,180.00
TOTALS:				1,180.00	0.00	1,180.00

VENDOR: 10039  
REMIT TO: UNITED STATES PATENT & TRADEMARK OFFICE

CHECK: 0000081940  
COMMENT:

DATE: 10/10/2007

INVOICE	DATE	VOUCHER	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
6059140	10/10/2007	0000027856	PATENT #6,059,140 - MAINT. FEE	1,180.00	0.00	1,180.00
TOTALS:				1,180.00	0.00	1,180.00

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\* Copy \*  
Proof check sent  
for 7.5 yr payment  
2007